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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Case NO. 2:21-CR-0091-TOR-1

Plaintiff

SECOND

vs.

MOTION TO CONTINUE

SENTENCING HEARING

ANTOINNE HOLMES,

Without Oral Argument

August 16, 2022, at 6:30 p.m.

COMES NOW the defendant, ANTOINNE HOLMES, by and through his attorney of record, DOUGLAS D. PHELPS, and hereby moves the Court to continue the currently set sentencing hearing of August 17, 2022 (ECF 92) to a

Motion to Continue 1

new date after August 15, 2022, and continue all associated sentencing deadlines. This motion is based on the attached declaration of counsel.

DECLARATION OF COUNSEL

- 1) I am over the age of 18 and competent to testify in this matter.
- I am the attorney of record for ANTOINNE HOLMES in the aboveentitled matter.
- On or about August 8, 2022, I was hospitalized for heart-related pain and remained in the hospital until the evening of August 9, 2022.
- The sentencing hearing for Mr. Antoinne Holmes' U.S. District of Idaho matter was set to take place on August 9, 2022, at 10 a.m. in Coeur d' Alene, Idaho.
- Due to my hospitalization, the sentencing hearing in the U.S. District of Idaho case for Mr. Holmes has been reset to October 19, 2022, at 3:30 p.m.
- I contacted the Assistant United States Attorney for the Eastern

 Washington U.S. District Court case, Mr. Michael Ellis, and he was

 out of the office until Monday, August 15, 2022. Alternatively, I

 spoke to AUSA Caitlin Baunsgard, and she indicated the government

 would not object to the continuing of the sentencing hearing for the

 Eastern District of Washington case, as it has been planned in this

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matter to hold the U.S. District of Idaho sentencing prior to the sentencing hearing in the Eastern District of Washington case. Ms. Baunsgard agreed that the new sentencing hearing for the Eastern District of Washington case should be continued to a date after the October 19, 2022, sentencing hearing in the U.S. District Court of Idaho matter.

FOR THE FOREGOING REASONS, Mr. Antoinne Holmes respectfully requests that this Court grant his motion to continue his sentencing hearing and all related deadlines to a date after October 19, 2022.

Respectfully submitted this 12th day of August, 2022

s/Douglas D. Phelps ISBA #22620 Phelps & Associates, PS Attorney for Defendant 2903 N. Stout Rd Spokane, WA 99206 1

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CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Assistant United States Attorney, Michael Ellis

/s/Douglas D. Phelps ISBA #22620 Phelps & Associates, PS Attorney for Defendant 2903 N. Stout Rd Spokane, WA 99206